



# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** May 18, 2010

**TO:** Mayor and Councilmembers

**FROM:** Human Resources, Administrative Services

**SUBJECT:** Introduction Of Ordinance Amending Municipal Code Section 3.16.073 Regarding Registered Domestic Partners

### **RECOMMENDATION:**

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Title Three of the Santa Barbara Municipal Code to Revise Section 3.16.073 of Chapter 3.16 Pertaining to the Employment by the City of Domestic Partnerships in the Same City Department or Division.

### **DISCUSSION:**

#### **Background**

Currently the Municipal Code provides that a City employee cannot be placed under the direct supervision of that employee's spouse when both spouses work within the same City department, division, or facility. In addition, when this situation occurs upon the marriage of two City employees, a review is conducted by the affected department and Human Resources for any potential job related conflicts relative to supervision, safety, security, and morale. If, upon the conclusion of a review, a potential conflict concern exist then employment decisions, such as requiring one of the employees to transfer to different City department or division, are made accordingly. These regulations were first enacted in 1989 to reflect the requirements of the state Fair Employment and Housing Act and the Department of Fair Employment and Housing non-discrimination regulations; however, they have not been updated since that time.

This Municipal Code language should be revised to now include state and City registered domestic partners since potential employment-related conflicts of interest, as described above, may exist not only for spouses and close relatives, but also for registered domestic partners who work in close proximity in the same City department or division. This proposed Title 3 Code update also includes an express definition of a registered domestic partner and provides that that term "marriage" as used in City Charter Section 710 (Nepotism) would be expanded to include registered domestic partner relationships.

### **Ordinance Committee Review**

On April 27, 2010, the Ordinance Committee considered the proposed amendment and voted 2/0 to forward to Council for introduction and adoption. No public comments were received regarding the proposed amendment.

**PREPARED BY:** Barbara Barker, Human Resources Manager

**SUBMITTED BY:** Marcelo Lopez, Assistant City Administrator

**APPROVED BY:** City Administrator's Office